

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

EDWARD WEAVER,)	
)	
Plaintiff,)	
)	
v.)	No. 4:22-cv-00761-JAR
)	
ERDCC,)	
)	
Defendant.)	

MEMORANDUM AND ORDER

This matter comes before the Court on a document submitted by plaintiff Edward Weaver that has been construed as a motion to voluntarily dismiss his case. (Docket No. 3). For the reasons discussed below, the motion will be granted.

On July 11, 2022, the Court received a single-paged, handwritten letter from plaintiff complaining of excessive force and deliberate indifference to his medical needs. (Docket No. 1). On July 22, 2022, the Court ordered plaintiff to file an amended complaint on a Court-provided form. (Docket No. 2). He was also directed to either file a motion for leave to proceed in forma pauperis or pay the filing fee. Plaintiff was given thirty days in which to respond, and advised that a failure to respond would result in the dismissal of this action without prejudice and without further notice.

In the instant motion, plaintiff acknowledges receiving the Court's order, and states that his caseworkers have subsequently given him the informal resolution requests (IRRs) that he had requested. As such, he explains that he "would like to [exhaust his] state remedies before [he] proceed[s] any farther," and that since he has "now been given the proper IRRs and a chance to

[exhaust his] state remedies,” he “would like to do that before [he] proceed[s].” Plaintiff closes the document by thanking the Court.


Because plaintiff has indicated that he does not wish to proceed at this time, the Court has construed this motion as a notice of dismissal pursuant to Rule 41(a) of the Federal Rules of Civil Procedure. *See* Fed. R. Civ. P. 41(a)(i) (stating that a plaintiff may dismiss an action by filing “a notice of dismissal before the opposing party serves either an answer or a motion for summary judgment”). The Court will grant plaintiff’s motion and allow him to dismiss his case without prejudice.

Accordingly,

IT IS HEREBY ORDERED that plaintiff’s motion to voluntarily dismiss his case (Docket No. 3) is **GRANTED**.

IT IS FURTHER ORDERED that this action is **DISMISSED** without prejudice. *See* Fed. R. Civ. P. 41(a)(i). A separate order of dismissal will be entered herewith.

Dated this 1st day of August, 2022.



JOHN A. ROSS
UNITED STATES DISTRICT JUDGE